

Staff Summary Report



Council Meeting Date: 03/20/2008

Agenda Item Number: _____

SUBJECT: This is the **introduction** and **first public hearing** to abandon a Public Utility Easement at 802 S. Mill Avenue. The second public hearing is set for April 3, 2008.

DOCUMENT NAME: 20080320PWCH02 ABANDONMENT (0901)
ORDINANCE NO. 2008.11

SUPPORTING DOCS: Yes

COMMENTS: The developers of this site have requested the abandonment of the PUE shown on the attached exhibit to allow the construction of a pharmacy at 802 S. Mill Avenue. Any easements necessary will be dedicated on the plat of the site.

PREPARED BY: LARRY SHOBE, ENGINEERING SERVICES ADMINISTRATOR (x8417)

REVIEWED BY: ANDY GOH, DEPUTY PW MANAGER/CITY ENGINEER (x8896)

APPROVED BY: GLENN KEPHART, PUBLIC WORKS MANAGER (x8205)

LEGAL REVIEW AS TO FORM: CYNTHIA MCCOY, ASSISTANT CITY ATTORNEY (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.11 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.11

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA, ABANDONING A PUBLIC UTILITY
EASEMENT LOCATED AT 802 SOUTH MILL AVENUE.

WHEREAS, it has been determined by the City Council that a public utility easement, described herein and shown on Exhibits “A” and “A-1”, is no longer required by the City for use as such; and,

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the City of Tempe does hereby abandon, relinquish and vacate the existing easement as described on Exhibit “A” and as shown on Exhibit “A-1” hereto attached.

Section 2. That all rights of the City in the easement abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

Section 3. The Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

Ordinance No. 2008.11

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PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

This _____ day of _____, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**EXHIBIT A
LEGAL DESCRIPTION**

A portion of Block 21 of the map entitled, "Plat of Gage Addition to Tempe Arizona", according to Book 3 of Maps, at page 58, Records of Maricopa County, Arizona and being the Public Utility Easements reserved by the City of Tempe according to Book 10403, at page 948, Book 10566, at page 426 and Book 12011, at page 761, Records of Maricopa County, described as follows:

Beginning at the Southeast corner of said easement reserved in Book 10403, at page 948, Records of Maricopa County, said corner being on the West line of Mill Avenue, distant thereon North 00° 35' 56" West a distance of 11.48 feet from the Northeast corner of Lot 8 in Block 21 of said of Gage Addition;

thence along the South and West lines of the last said easement, and the West lines of said easements reserved in Book 10566, at page 426 and Book 12011, at page 761, Records of Maricopa County, North 89° 53' 01" West a distance of 139.87 feet and North 00° 33' 19" West a distance of 26.00 feet to the Northwest corner of said easement reserved in Book 10566, at page 426, Records of Maricopa County;

thence along the North line thereof, South 89° 53' 07" East a distance of 139.85 feet to the Northeast corner thereof on the West line of Mill Avenue;

thence along the East lines of said easements, being on the West line of Mill Avenue, South 00° 35' 56" East a distance of 26.00 feet to the point of beginning.

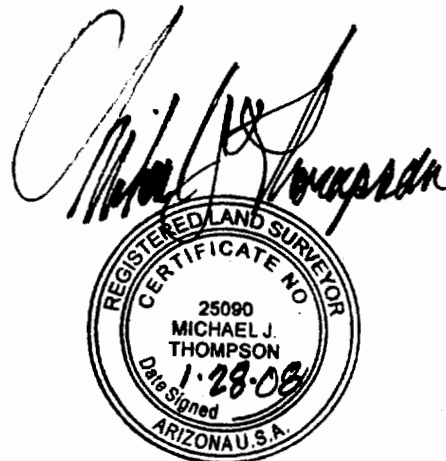
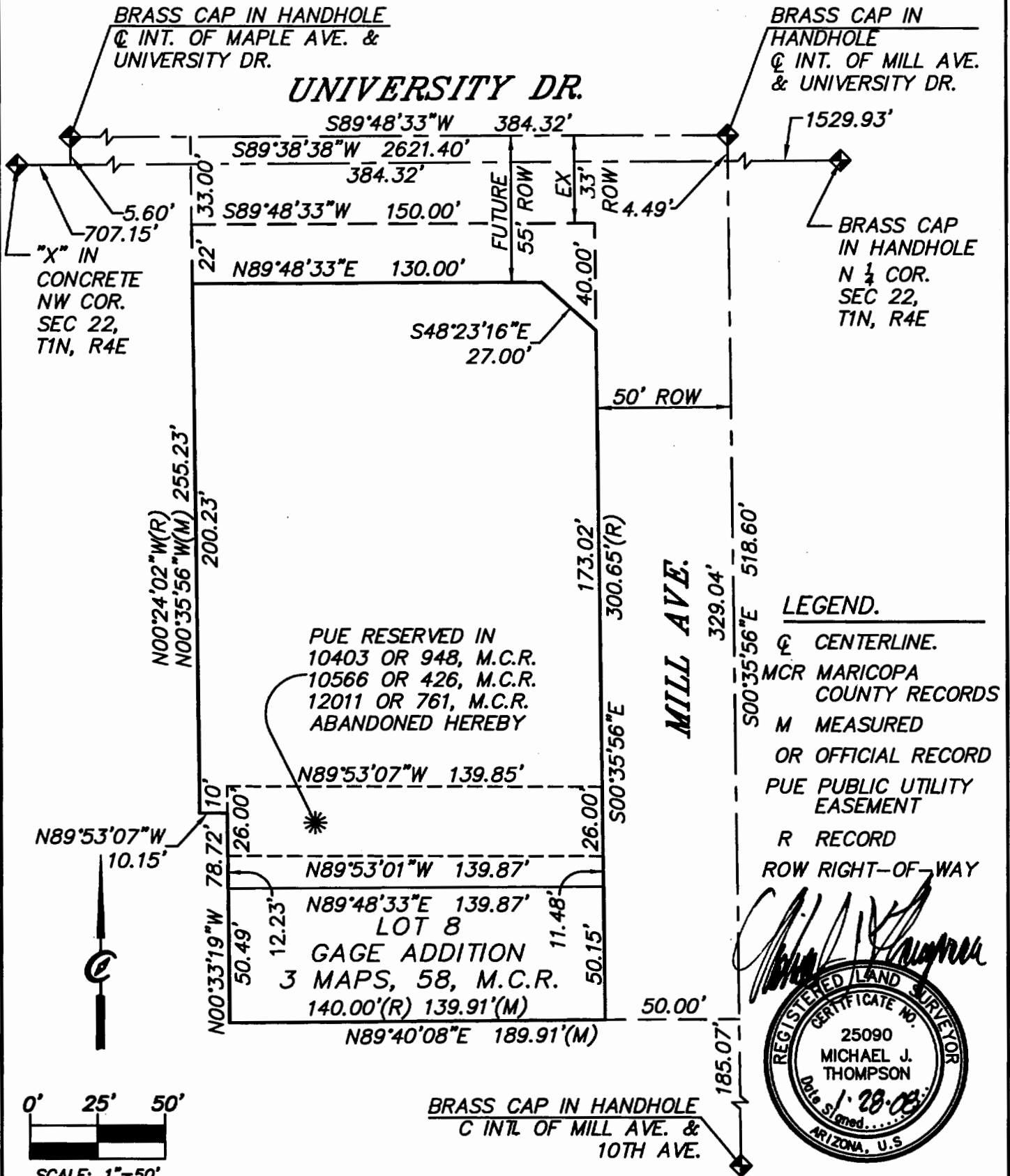


EXHIBIT A-1



Metro/Land Consultants, LLC

1850 N. CENTRAL AVE., SUITE 525
 PH. 602-393-2030 FAX 602-393-2031

JOB NO.: 07-077

CHECKED: MJT

DRAFTING: OGDS.

DATE: JANUARY 2008